REMARKS

As an initial matter, Applicants thank the Examiner for participating in the Examiner Interview with the undersigned's colleague, Will Chen, on February 19, 2008, as acknowledged in the Interview Summary mailed February 26, 2008.

In the Final Office Action mailed December 12, 2007 ("Office Action"), the Examiner objected to claims 27 and 28 because of informalities; rejected claims 8-21 and 27-28 under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement; rejected claims 8-19, 21, and 27 under 35 U.S.C. §103(a) as being unpatentable over non-patent literature publication titled "Performance Study of a Selective Encryption Scheme for the Security of Networked, Real-Time Video," by Spanos et al. ("*Spanos*"), in view of non-patent literature publication titled "Applied Cryptography" by Schneier ("*Schneier*"), U.S. Patent No. 5,915,018 to Aucsmith ("*Aucsmith*"), and U.S. Patent No. 5,875,303 to Huizer et al. ("*Huizer*"); rejected claim 20 under 35 U.S.C. §103(a) as being unpatentable over *Spanos* in view of *Schneier*, *Aucsmith*, and *Huizer* in further view of U.S. Patent No. 6,011,761 to Inoue ("*Inoue*"); and rejected claim 28 under 35 U.S.C. §103(a) over *Spanos* in view of *Schneier, Aucsmith,* and *Huizer* in further view of U.S. Patent No. 6,324,519 to Eldering ("*Eldering*").

In response to the Office Action, Applicants have amended claims 8 and 27. The amendments are fully supported by the specification and introduce no new matter. Applicants withdraw claim 29 from consideration. After entry of this Amendment, claims 8-21 and 27-28 remain pending. Applicants respectfully traverse the aforementioned rejections and request reconsideration of the pending claims based on the following remarks. In addition, Applicants do not necessarily agree with or acquiesce in the Examiner's characterization of the claim or the applied references, even if those characterizations are not address herein.

Claim Objections

The Examiner objected to claims 27-28 because of informalities. Particularly, claim 28 was objected to solely due to its dependence from objected claim 27. Applicants have

amended claim 27 in an attempt to obviate the Examiner's objections. Accordingly, Applicants respectfully request that the Examiner withdraw the objections to claims 27-28.

Claim Rejections under 35 U.S.C. § 112

Claims 8-21 and 27-28 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Particularly, in the Office Action, the Examiner asserted that the specification fails to support the limitations recited in amended claim 8. Applicants respectfully traverse the Examiner's rejection of claims 8-21 and 27-28 under 35 U.S.C. §112, first paragraph, for at least the following reasons.

First, Applicants respectfully disagree with the Examiner's assertion that "the original disclosure does not disclose [the memory for storing the at least one rule] is an internal and non-volatile memory in the player." Office Action, p. 3: ll. 9-10. For example, paragraphs [0096] and [0097] of the specification disclose that rules may be stored in control block 13 or IPR 22, which may be internally integrated with the media player as shown in FIG. 1. The specification further discloses that IPR 22 may include a secure memory 27, which can be a non-volatile memory. *See* specification, paragraph [0088]. Moreover, paragraphs [0280]-[0284] and FIG. 24 disclose several different types of memories that may be used to store rules. As specifically disclosed in paragraph [0283], at least some of these memories may be non-volatile memories (e.g., NVRAM).

Secondly, Applicants respectfully disagree with the Examiner's assertion that Applicants specification is limited to disclosing only that "the memory stores all of the rules, not at least one rule." Office Action, p. 3: ll. 10-11. The passage in paragraph [0096] of the specification cited in the Office Action does not require that the memory store all of the rules. Applicants respectfully submit that the element "the rule or rule set includes at least one rule stored in a non-volatile memory internally integrated with the player," as recited in claim 8, is in compliance with written description requirement of 35 U.S.C. §112, as nowhere in the specification is it disclosed that all of the rules are required to be stored in a single memory unit. For example, as disclosed in

paragraphs [0280]-[0284] and FIG. 24, rules may be stored in different memories, such as RAM 2414 and ROM 2406. Further, paragraphs [0321]-[0329] provide that rules may come from different sources.

For at least the reasons set forth above, Applicants submit that claims 8-21 and 27-28 comply with the written description requirement of 35 U.S.C. §112, first paragraph. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections of claims 8-21 and 27-28 under 35 U.S.C. §112.

Claim Rejections under 35 U.S.C. §103

Applicants respectfully traverse the rejection of claims 8-21 and 27-28 under 35 U.S.C. §103(a) because a *prima facie* case of obviousness has not been established with respect to these claims.

The key to supporting any rejection under 35 U.S.C. §103 is the clear articulation of the reason(s) why the rendered claims would have been obvious. "There mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art" at the time the invention was made. M.P.E.P. §2143.01 (III), 8th Ed. Rev. 6 (Sept. 2007), internal citations omitted. Moreover, "[i]n determining the differences between the prior art and the claims, the question under 35 U.S.C. §103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious." M.P.E.P. §2141.02 (I), internal citations omitted (Emphasis in original).

When making a determination of obviousness, the Examiner must (1) determine the scope and content of the prior art, (2) ascertain the differences between the claims and the prior art, and (3) resolve the level of ordinary skill in the pertinent art. M.P.E.P. §2141 (II), (citing *Graham v. John Deere Co.*, 282 U.S. 1 (1966)). Further, "[o]ffice personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to

one of ordinary skill in the art." M.P.E.P. §2141 (III).

Claims 8, 19, 21, and 27

Claims 8-19, 21, and 27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Spanos* in view of *Schneier*, *Aucsmith*, and *Huizer*. Amended claim 1, recites, *inter alia*, a streaming media player that includes "a rule or rule set governing at least one aspect of usage of at least one sub-stream or object, wherein the rule or rule set includes at least one rule stored in a non-volatile memory internally integrated with the player." Applicants respectfully submit that *Spanos*, *Schneier*, *Aucsmith*, or *Huizer*, whether viewed separately or in combination, fail to disclose or suggest at least these claimed features.

In the Office Action, the Examiner correctly notes that the combination of *Spanos* and *Schneier* does not disclose that "the control arrangement contains a rule or rule set associated with governance of at least one sub-stream or object." Office Action, p. 7: ll. 3-5. However, in an attempt to cure the admitted deficiencies of *Spanos* and *Schneier*, the Examiner cites to *Aucsmith*, asserting that *Aucsmith* discloses "[a] control arrangement [that] contains a rule or rule set governing at least one aspect of usage of at least one sub-stream or objection, wherein the rule or rule set includes at least one rule stored in an internal and non-volatile memory of the player." Office Action, p. 7: ll. 6-9. As will be discussed in more detail below, contrary to the Examiner's assertions, *Aucsmith* fails to disclose or suggest "a rule or rule set governing at least one aspect of usage of at least one sub-stream or object, wherein the rule or rule set includes at least one rule stored in a non-volatile memory internally integrated with the player."

Aucsmith discloses a "system for playing video from a DVD format disc having an MPEG coded version of encrypted YUV data stored thereon, together with encrypted keys, and encrypted rules." *Aucsmith*, Col. 3: ll. 22-28, (Emphasis added). As noted by the Examiner, *Aucsmith* further discloses that its "[r]ules, or rule set ... refer[s] to the list of capabilities and features that a video controller must posses in order for a playback to be initiated. The list of capabilities and features is typically specified by the out of band data on a DVD disc." *Id.* at Col.

4: ll. 26-31, (Emphasis added). *See also* Fig. 3. When a DVD disc is inserted into the DVD drive of the system, *Aucsmith* discloses that the DVD drive reads "an encrypted content key ... and encrypted control information from the out of band portion of [the] DVD disc." *Aucsmith*, Col. 4: ll. 60-63. In this manner, "the capabilities and features of [the] video controller 210 are compared to the playback requirements of [the] DVD disc 203 as specified in the rule set [contained in the DVD disc]," and a "determination [can] be made as to whether [the] video controller 210 can comply with the rule set of [the] DVD disc." *Id.* at Col. 7, ll. 47-52. (Emphasis added).

Nowhere, however, in the passages of *Aucsmith* cited by the Examiner or elsewhere, is a system or method disclosed or suggested wherein "a rule or rule set governing at least one aspect of usage of at least one sub-stream or object, wherein the rule or rule set includes at least one rule stored in a non-volatile memory internally integrated with the player," as recited in claim 8. Rather, *Aucsmith* is limited to disclosing a video playback system wherein rules pertaining to the access of video content are stored in a portable DVD media disc that also contains the video content to be accessed, and thus fails to disclose or suggest storing a rule or rule set "in a non-volatile memory internally integrated with the player," as recited in claim 8. Accordingly, *Aucsmith* fails to cure the deficiencies of *Spanos* and *Schneier*.

In rejecting claim 8 under 35 U.S.C. § 103, the Examiner further cites to *Huizer*. Applicants' respectfully submit, however, that *Huizer* fails to cure at least the aforementioned deficiencies of *Spanos, Schneier*, and *Aucsmith*. As noted by the Examiner, *Huizer* discloses the Philips™ Compact Disc Interactive (CDi) media player. *See Huizer*, Col. 1: ll. 14-27. Nowhere, however, in the passages of *Huizer* cited by the Examiner or elsewhere, is a method or system disclosed or suggested that includes "a rule or rule set governing at least one aspect of usage of at least one sub-stream or object, wherein the rule or rule set includes at least one rule stored in a non-volatile memory internally integrated with the player," as recited by claim 8. Accordingly, *Huizer* fails to cure the deficiencies of *Spanos, Schneier*, and *Aucsmith*.

As explained above, the elements recited in claim 8 are neither disclosed or suggested by the applied references. Therefore, for at least the above reasons, claim 8 is allowable. Claims 9-19, 21, and 27 depend either directly or indirectly from claim 8, and are allowable for at least the same reasons as claim 8. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 8-19, 21, and 27 under 35 U.S.C. §103.

Claim 20

Claim 20 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Spanos* in view of *Schneier*, *Aucsmith*, and *Huizer* in further view of *Inoue*. Claim 20 depends directly from claim 8, and thus incorporates all the elements recited in claim 8. As discussed above with respect to the Examiner's rejection of claim 8 under 35 U.S.C. §103, *Spanos*, *Schneier*, *Aucsmith*, and *Huizer*, whether viewed either separately or in combination, fail to disclose or suggest "a rule or rule set governing at least one aspect of usage of at least one sub-stream or object, wherein the rule or rule set includes at least one rule stored in a non-volatile memory internally integrated with the player," as recited in claim 8. Applicants respectfully submit that *Inoue* fails to cure the deficiencies of *Spanos, Schneier*, *Aucsmith*, and *Huizer*.

Inoue discloses a "transmission system for transmitting compressed audio data selected by a user from compressed audio data stored in a server to a client located remote from the server." *Inoue*, abstract. The transmission system of *Inoue* may integrate a transactional based pay-to-play system wherein the audio data is transmitted to the user in exchange for a payment. *Id.* Nowhere, however, in the passages of *Inoue* cited by the Examiner or elsewhere, is a method or system disclosed or suggested that includes "a rule or rule set governing at least one aspect of usage of at least one sub-stream or object, wherein the rule or rule set includes at least one rule stored in a non-volatile memory internally integrated with the player," as recited by claim 8 and incorporated by claim 20. Accordingly, *Inoue* fails to cure the deficiencies of *Spanos, Schneier, Aucsmith,* and *Huizer.*

As explained above, the elements recited in claim 20 are neither disclosed or suggested by the applied references. Therefore, for at least the above reasons, claim 20 is allowable. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claim 20 under 35 U.S.C. §103.

Claim 28

Claim 28 stands rejected under 35 U.S.C. §103(a) over *Spanos* in view of *Schneier, Aucsmith,* and *Huizer* in further view *Eldering*. Claim 28 depends indirectly from claim 8, and thus incorporates all the elements recited in the claims from which it depends. As discussed above with respect to the Examiner's rejection of claim 8 under 35 U.S.C. §103, *Spanos*, *Schneier*, *Aucsmith*, and *Huizer*, whether viewed either separately or in combination, fail to disclose or suggest "a rule or rule set governing at least one aspect of usage of at least one sub-stream or object, wherein the rule or rule set includes at least one rule stored in a non-volatile memory internally integrated with the player," as recited in claim 8. Applicants respectfully submit that *Eldering* fails to cure the deficiencies of *Spanos, Schneier*, *Aucsmith*, and *Huizer.*

Eldering discloses a "advertisement auction system ... in which content/opportunity providers announce to advertisers that they have an opportunity to present an advertisement to a consumer." *Eldering*, abstract. Nowhere, however, does *Eldering* disclose or suggest a method or system that includes "a rule or rule set governing at least one aspect of usage of at least one sub-stream or object, wherein the rule or rule set includes at least one rule stored in a non-volatile memory internally integrated with the player," as recited by claim 8 and incorporated by claim 28. Accordingly, *Eldering* fails to cure the deficiencies of *Spanos, Schneier*, *Aucsmith,* and *Huizer.*

As explained above, the elements recited in claim 28 are neither disclosed or suggested by the applied references. Therefore, for at least the above reasons, claim 28 is allowable.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claim 28 under 35 U.S.C. §103.

Conclusion

Applicants respectfully requests that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 8-21 and 27-28 in condition for immediate allowance. Applicants submit that the proposed amendments of claims 8 and 27 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Furthermore, Applicants submit that the entering of this Amendment would allow the Applicants to reply to the final rejections and place the application in condition for allowance.

Finally, Applicants submit that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

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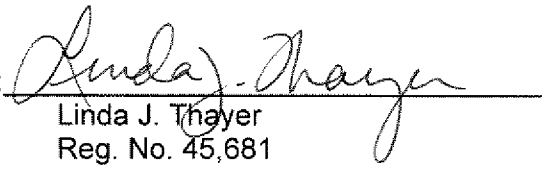
By: 

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